

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARBOR NETWORKS, INC.,

Plaintiff,

v.

WILLIAM E. RONCA III, RICHARD SHIRLEY,
DOUGLAS FLEMING, JAMES GILL, JAMES
NEEL, JASON MCEACHIN, MICHAEL L.
PORTER, ANDREW HENKART, PAUL
SCANLON, MICHAEL HOLLYMAN, and
RED LAMBDA, INC.,

Defendants.

C.A. No. 12-11322

**SUPPLEMENTAL AFFIDAVIT OF CHRIS CONRY IN SUPPORT OF
PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING
ORDER AND MOTION FOR PRELIMINARY INJUNCTION**
(Leave to File Granted on August 8, 2012)

I, Chris Conry, being duly sworn, do hereby depose and say as follows:

1. I am of legal age and believe in the obligation of an oath. I make the following Affidavit based on personal knowledge unless otherwise stated.

2. I am the Chief Privacy Officer and Vice President of IT for the Plaintiff in the above-captioned action, Arbor Networks, Inc. ("Arbor" or "Plaintiff").

3. I submit this Supplemental Affidavit in support of Arbor's Motion for Temporary Restraining Order and Motion for Preliminary Injunction, and to respond to various misstatements in the Affidavits filed by the individual defendants.

4. On March 2, 2010, both Jason McEachin ("McEachin") and James Gill ("Gill") electronically certified their understanding of, and compliance with, Arbor's Information

Security Program (ISP) by clicking an acknowledgment link on Arbor's "ArborWorld" intranet site.

5. At no time did Arbor IT or Arbor's management team instruct or promote the destruction of, or re-formatting of, a laptop hard drive by a departing employee prior to it being returned to IT. It was not Gill's responsibility, obligation, or within his authority to reformat his Arbor-issued computer.

6. At no time did Gill inquire with Arbor IT or Arbor's management team about how to handle his alleged "Incorrect Super Block" error message or request approval for reformatting his hard drive prior to its return.

7. Per Arbor's ISP, all emails (personal or otherwise) and any stored or real-time information on or accessed via Arbor systems (laptops, network storage, web sites) is the property of Arbor. By re-formatting their hard drives, McEachin and Gill effectively destroyed Arbor property without proper authorization or approval.

8. I am not aware of McEachin having any security clearance status that would be required for him to possess sensitive or secret government information.

9. Regardless of what the Department of Defense protocol may be for cleaning data before sending equipment via the mail, it was not part of Arbor's protocol to have departing employees to conduct "drive wipes." McEachin was not instructed to conduct a "drive wipe," nor was he authorized to do so.

10. Additionally, McEachin made absolutely *no* attempt to ask if it was proper before he did so.

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The foregoing statements are made under the pains and penalties of perjury.

Dated: August 6, 2012

/s/ Chris Conry

Chris Conry

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants, as identified on the Notice of Electronic File (“NEF”), and paper copies will be sent to those indicated as non-registered participants on August 8, 2012, by first class mail.

/s/ Dawn Mertineit

Dawn Mertineit